



LEWIS & CLARK CITY-COUNTY  
**Health Department**

STATE AGRICULTURE

DATE

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BILL NO

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1/15/13  
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January 15, 2013

TO: Food Safety Advisory Council

FROM: Laurel Riek, RS

Food Safety Advisory Council Member

RE: SB 94 – "An act exempting the exchange of certain foods and beverages from food safety Regulations and amending Section 50-50-102 MCA"

I am opposed to Senate Bill 94 as introduced. This bill is removing a key component of safe food delivery to our communities by eliminating process controls for canned foods.

The risk from improperly canned foods is from *Clostridium botulinum* which creates a deadly neurotoxin. The process reviews and licensing of facilities that produce pickled, low acid and high acid canned foods helps to protect the public from an incidence of botulism. This disease can cause paralysis, nerve damage, and the need for extensive and costly medical interventions.

In addition, the language surrounding an "exchange of foods and beverages" is not detailed enough to identify who would be exempt. The examples of "high-acid foods" listed in the proposed language do not match the definitions of "high-acid foods" listed in other regulations. Not all fruits and tomatoes have a pH < 4.6. Pickles are an acidified food as referenced in 21 CFR 114.

*C. botulinum* can be prevented by adequate processing controls. As written, this bill is eliminating those controls and is a risk to public health. Please see the attached letter from AMPHO, MEHA, and MPHA for opposition to the bill.